



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Office of Administrative Law Judges

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April 3, 1986

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OFFICE OF THE ADMINISTRATIVE JUDGES
WASTE MANAGEMENT BRANCH
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4100 First Interstate Center
999 Third Avenue
Seattle, Washington 98104

Kenneth D. Feigner, Esquire
Office of Regional Counsel
U.S. EPA, Region X
1200 Sixth Street
Seattle, Washington 98101

Subject: Pacific Wood Treating Corp.
Docket No. RCRA-1085-09-26-3008P

Dear Counselors:

As you are aware, the undersigned has been designated to preside at the subject proceeding under Section 3008 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6928).

Section 22.18(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (40 CFR Part 22) sets forth Agency policy concerning settlements and the parties may be attempting to settle this matter. Counsel for Complainant is directed to file a statement on or before May 2, 1986, as to whether this matter has been or will be settled. If this matter is not settled by that date, I propose to accomplish some of the purposes of a prehearing conference by this letter as permitted by Section 22.19(e) of the Rules of Practice.

Accordingly, the parties are directed to accomplish the following prehearing exchange:

By Complainant and Respondent

1. Furnish desired or required place for the hearing (see Sections 22.19(d) and 22.21(d) of the Rules of Practice).
2. To the extent not covered by specific requests below, furnish a list of expected witnesses, a summary of their anticipated testimony and a copy of each exhibit or document intended to be offered in evidence at the hearing.

well, looks like
we're going to
a hearing - you'll
need to work up
OCC in putting
info together.
- Tex
Chen



By Complainant

1. Provide copies of Notification of Hazardous Waste Activity and of Part A permit application filed by Respondent and summary of any evidence in addition to these documents that waste handled was, in fact, hazardous.
2. Provide copies of report of inspections of Respondent's facility conducted on June 12, 1984 and April 30, 1985.
3. Furnish summary of evidence to support allegation in paragraph 5 of determinations to the effect that closure of the facility in accordance with 40 CFR 265, Subpart G has not been completed.
4. Furnish summary of evidence to support allegations in paragraph 7 relative to Respondent's failure to establish financial assurance for post-closure care (40 CFR 265.145), and adequate ground-water monitoring, 40 CFR 265, Subpart F.
5. Provide copies of penalty calculation worksheets.

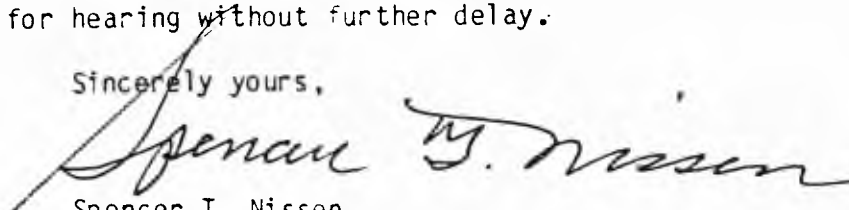
By Respondent

1. Furnish summary of evidence to support allegation that identification of hazardous wastes in Part A permit application was in error and that, in fact, wastes were not hazardous.
2. Furnish summary of any evidence relied upon to support allegation closure of the facility has been accomplished.
3. Provide copies of correspondence or other documents supporting assertions that Respondent's ground-water monitoring system and closure plan have been approved by EPA and WDOE.
4. Detail efforts to obtain financial assurance for post-closure care or furnish summary of evidence that such financial assurance has been provided.

Responses to this letter will be furnished to the Regional Hearing Clerk, to the other party and to the undersigned on or before May 23, 1986.

Upon receipt and review of the responses, a determination will be made as to whether further correspondence would serve any useful purpose or whether this matter should be set for hearing without further delay.

Sincerely yours,


Spencer T. Nissen
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that the original of this letter re: Pacific Wood Treating Corp., dated April 3, 1986, was mailed to the Regional Hearing Clerk, U.S. EPA, Region X, and copies were sent to counsel for Complainant and Respondent in these proceedings on this 3rd day of April 1986.

Dottie Woodward

Dottie Woodward
Secretary